

**Section III: REMARKS**

It is respectfully requested that the changes as noted above in Section I and Section II be made to the present application.

By this amendment, the "Related Applications" paragraph has been updated to include the most current information available.

In the above-referenced Office Action which was mailed on 3/25/04, claims 1-35 were rejected under the judicially created doctrine of double patenting over claims 1-31 of copending application 09/826,666. Applicant agrees to execute and file a Terminal Disclaimer to obviate the Examiner's Provisional Double Patenting rejection of claims 1-35 under the judicially created doctrine of double patenting upon a determination of allowable (but for the double patenting issue) claims in the present application.

Next, claims 1-6, 10-14, 18-23 and 27-28 were rejected under 35 USC 102(e) as being anticipated by Tatchell et al (U.S. Patent 6,160,877, hereinafter referred to as "Tatchell"), and claims 7-9, 24-26, 13, 15-17, 29, 31 and 33-35 were rejected under 35 USC 103(a) as being unpatentable over Tatchell. The above noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims to clarify the claimed combinations and place the claims in condition for allowance.

It is noted that the present application includes claims 1-35 with claims 1, 18 and 29 being independent claims, claims 2-17 being ultimately dependent from method claim 1, claims 19-28 being ultimately dependent from medium claim 18 and claims 30-35 being ultimately dependent from system claim 29. Applicant has herein amended all of the independent claims 1, 18 and 29 to include additional recitations to clearly distinguish claims 1, 18 and 29, as well as the remaining dependent claims 2-17, 19-28 and 30-35, respectively, which include all of the limitations of one of the independent claims, from the Tatchell reference. As herein amended, claims 1-35 are believed to be in condition for allowance over Tatchell.

More specifically, Tatchell discloses a method of screening and prioritizing an incoming call which is enabled by a subscriber using voice commands. Tatchell does not disclose, teach or even suggest the use of a visual display on a user device to enable entering and confirming the numbers of incoming calls to be forwarded and the forwarding number to which the incoming calls are sent. As noted by the Examiner on page 6 of the above-referenced Office Action, "... long lists of messages or intricate menus ... could be tedious and confusing to navigate via telephone key buttons or via voice." The present invention overcomes this shortcoming by enabling a user to provide call forwarding input to a user device and to complete the input with a positive key entry after visually confirming the input on a display associated with the user device. The use of a user device having a display capability would be directly against the teachings of Tatchell so it cannot be said that it is obvious from Tatchell to use a display device for entering call forwarding information. If anything, Tatchell teaches away from the present invention by disclosing only a voice-activated system

and not mentioning even a possible function in his system for a display device. Indeed, it is submitted that the insertion of a display function in the Tatchell system would render the Tatchell system inoperable for its intended purpose. Thus, even a combination of Tatchell with another reference having a display function would not be appropriate since it would be against the express teachings of Tatchell and clearly not even suggested by Tatchell.

In view of the above-noted distinctions between the present invention and the Tatchell reference, all of the independent claims, 1, 18 and 29, have herein been amended to include displaying selected phone numbers to be forwarded on a user device, enabling input of a second or forwarding number to the user device, displaying the second or forwarding number on the user device and enabling the user to provide an input to execute based upon the second number and selected phone numbers which were input (and visually confirmed) by the user. Since, Tatchell does not disclose (and in fact teaches against) the use of a visual or display interface on a user device for inputting forwarded numbers and a forwarded number, it is submitted that independent claims 1, 18 and 29 are allowable over Tatchell. Furthermore, since the remaining claims 2-17, 19-28 and 30-35 depend from one of claims 1, 18 and 29, and include even further limitations as set forth in the individual claims, it is submitted that claims 2-17, 19-28 and 30-35, in addition to claims 1, 18 and 29, are allowable under 35 USC 102(e) over Tatchell.

With respect to claims 7-9, 24-26, 13, 15-17, 29, 31 and 33-35 which were rejected under 35 USC 103(a) as being unpatentable over Tatchell, it is believed that with the added display function language to the independent and dependent claims, the

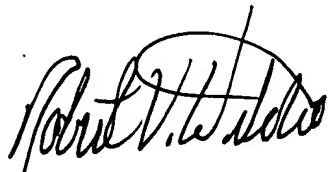
above-noted claims are also allowable under 35 USC 103(a). It is noted that the use of visual menu displays verses the use of exclusively verbal input commands is merely a "design choice". In that regard it is submitted that all choices in configuring a unique and inventive combination may be considered design choices but there is no statutory authority to support the rejection of claims merely because design choices were made in forming a total combination of elements and operating relationships among those elements. In fact, it may be more accurate to state that a claimed combination is truly unique and inventive because design choices were made to provide a **combination of elements and relationships** which have not been disclosed in the prior art. This is surely the case with the present application where the cited Tatchell reference, although very extensive and complete, makes no mention of a "design choice" by which a user device with a display function may be substituted for his verbal input system. As hereinbefore noted, the displayed input function as disclosed in the present application enables visual confirmation of input before executing on the input. This is not taught or even suggested by Tatchell who discloses only a voice activated system. Thus it is submitted that claims 7-9, 24-26, 13, 15-17, 29, 31 and 33-35 are allowable under 35 USC 103(a) over Tatchell.

During a thorough review of the present application and claims, applicant has become aware of several claim informalities which were present in the originally filed claims and has amended the original claims to correct those informalities. For example, it appeared that there was no proper antecedent basis for the term "said user device" in claims 7-9 and 12-17 as originally filed. As herein amended, proper antecedent basis has been provided for the term "said user device" as noted above.

Thus, it is submitted that claims 1-35, as herein presented, are

believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, or if the present application is determined to be allowable but for the submission of a Terminal Disclaimer, the Examiner is invited to contact the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert V. Wilder". The signature is stylized with a large, circular loop at the beginning and a long, sweeping underline.

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